

EXHIBIT 1

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6 **ATTORNEYS FOR DEFENDANTS**

7
8 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
9 **WESTERN DISTRICT**

10 **DAVID HOUGH;**
MOULOUD HOCINE;
11 **JENNIFER LEHMKUHL HILL;**
AMUND THOMPSON;
12 **PAUL PANICO**

13 *Plaintiffs,*

14 **v.**

15
16 **RYAN CARROLL; MAX K. DAY;**
MAX O. DAY; MICHAEL DAY;
17 **YAX ECOMMERCE LLC; PRECISION**
18 **TRADING GROUP, LLC;**
WA DISTRIBUTION LLC;
19 **PROVIDENCE OAK PROPERTIES, LLC;**
WA AMAZON SELLER LLC;
20 **MKD INVESTMENT ADVISOR, LLC;**
21 **MKD FAMILY BENEFICIARY, LLC;**
MKD FAMILY PRIVATE MANAGEMENT
22 **COMPANY, LLC;**
MAX DAY CONSULTING, LLC;
23 **HOUTEX FARM EQUITY PARTNERS**
24 **LLC; BUSINESS FINANCIAL SOLUTIONS**
ADVISORY LLC; EVO MAXX LLC;
25 **YAX IP AND MANAGEMENT INC. (D.B.A.**
“FULFILLABLE”); WWKB LLC;
26 **DREAMS TO REALITY LLC;**

27 *Defendants.*

Case No.: 2:24-cv-02886

Assigned for all purposes to:
JUDGE WESLEY L. HSU

DEFENDANT MAX O. DAY’S
BUSINESS RECORD AFFIDAVIT IN
SUPPORT OF THE JURISDICTIONAL
DEFENDANTS’ MOTION TO COMPEL
ARBITRATION AND MOTION TO
STAY

Action Filed: April 9, 2024
Hearing: April 29, 2024
Trial Date: N/A

1 BEFORE ME, the undersigned authority, on this day personally appeared **Max O. Day**, and
2 being duly sworn upon his oath by me, deposed and stated as follows:

3 1. "My name is **Max O. Day** I am over eighteen (18) years of age. I am of sound mind and
4 fully capable to make this Business Record Affidavit. The facts set forth herein are based on my
5 personal knowledge and are true and correct. I am competent to testify to the facts herein.

6 2. "I was the Chief Growth & Technology Consultant of Yax Ecommerce, LLC, formerly
7 known as Wealth Assistants, LLC ("**Wealth Assistants**").

8 3. "I am familiar with the matters in controversy in the litigation against Defendants Ryan
9 Carroll; Max K. Day; Michael Day, Wealth Assistants); WA Distribution LLC; Precision Trading
10 Group, LLC, and myself (collectively, the "**Jurisdictional Defendants**") and others in the United
11 States District Court for the Central District of California ("**CDCA**") (herein referred to as the
12 "**Hough Litigation**").

13 4. "I submit this affidavit in support of the Jurisdictional Defendants' Motion to Compel
14 Arbitration and Motion to Stay filed in the CDCA in the Hough Litigation.

15 5. "I am familiar with the contracts between the Plaintiffs in this case and Wealth Assistants.
16 Attached hereto as Exhibits A, B, C, D and E are 72 pages of records from Wealth Assistants.
17 These 72 pages of records are kept by Wealth Assistants in its regular course of business, and it
18 was the regular course of business of Wealth Assistants for an employee or representative of
19 Wealth Assistants, with knowledge of the act, event, condition, opinion, or diagnosis recorded to
20 make the record or to transmit information thereof to be included in such record. The record was
21 made at or near the time or reasonably soon thereafter. The records attached hereto are the original
22 or exact duplicates of the original.

- 23 • Exhibit A, the Service Agreement between Plaintiff Amund Thompson and Wealth
24 Assistants.
- 25 • Exhibit B, the Service Agreement between Plaintiff Paul Pacino and Wealth Assistants.
- 26 • Exhibit C, the Service Agreement between Plaintiff Mouloud Hocine and Wealth Assistants.
- 27 • Exhibit D, the Service Agreement between Plaintiff Jennifer Lehmkuhl Hill and Wealth
28 Assistants.
- Exhibit E, the Service Agreement between Plaintiff David Hough and Wealth Assistants."

FURTHER AFFIANT SAYETH NOT.



MAX O. DAY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document, and any attachments, will be served to counsel of record, in accordance with the governing rules of procedure regarding service in this court on this ***April 25, 2024***, via email as follows:

/s/ Rachel Crockett
Rachel Crockett